

MEMORANDUM

Agenda Item No. 14(A)(29)

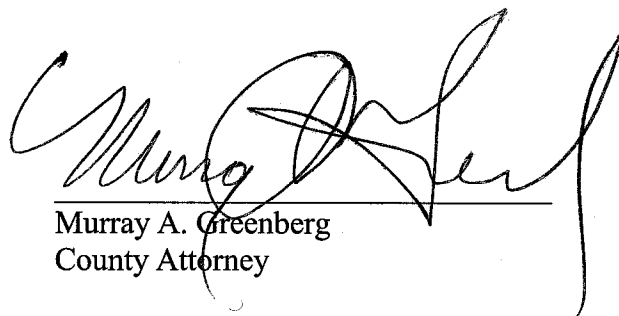
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 19, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to
reinstating the motorcycle
helmet law

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Barbara J. Jordan, Commissioner Audrey M. Edmonson and Commissioner Carlos A. Gimenez.



Murray A. Greenberg
County Attorney

MAG/jls

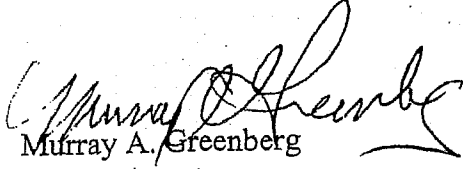


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 19, 2006

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 14(A)(29)

Please note any items checked.



_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(29)
12-19-06

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
REINSTATE THE MOTORCYCLE HELMET LAW OR
ALTERNATIVELY TO PASS LEGISLATION INCREASING
THE PERSONAL INJURY INSURANCE REQUIREMENTS
FOR THOSE RIDERS WHO CHOOSE NOT TO WEAR
HELMETS

WHEREAS, prior to October 1, 2000, Florida law required any person who operated or road on a motorcycle to wear a protective helmet that met federal standards; and

WHEREAS, during the 2000 state legislative session, the Florida Legislature passed a bill that repealed the motorcycle helmet law and allowed any person over the age of 21 to operate or ride on a motorcycle without a helmet provided such person had an insurance policy of \$10,000 or more for medical benefits; and

WHEREAS, a National Highway Traffic Safety Administration study found that in the first three years after Florida repealed its motorcycle helmet law, motorcycle deaths increased by more than 81 percent compared to the three years before the law was repealed; and

WHEREAS, the report also found that motorcycle injuries became more expensive to treat, with the average hospital cost to treat a head injury \$45,602, more than four times the \$10,000 in insurance that riders without helmets are required to carry; and

WHEREAS, even though helmets still are required for motorcycle riders under the age of 21, evidence suggests that helmet use among youth has declined substantially; and

WHEREAS, of the 101 riders younger than 21 who were killed in the first three years after the repeal, 45 percent were not wearing a helmet even though they still were required to wear one; and

WHEREAS, the Florida Legislature now should reinstate the motorcycle helmet law,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation that reinstates the motorcycle helmet law repealed in 2000; or alternatively to pass legislation increasing the personal injury insurance requirements for those riders who choose not to wear helmets.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this issue in the 2007 state legislative package.

The foregoing resolution was sponsored by Commissioner Barbara J. Jordan, Commissioner Audrey M. Edmonson and Commissioner Carlos A. Gimenez and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of December, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

By: _____
Deputy Clerk

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